

# **City of Carmel**

## **Common Council**

**January 9, 2006**

**6:00 P.M.**

# COMMON COUNCIL SPECIAL MEETING AGENDA

MONDAY, JANUARY 9, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
  - a. December 19, 2005 Regular Meeting
  - b. December 28, 2005 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
  - Payroll
  - General Claims
  - Retirement
9. COMMITTEE REPORTS
  - a. Finance, Administration and Rules Committee
  - b. Land Use, Annexation and Economic Development Committee
  - c. Parks, Recreation and Arts Committee
  - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

11. **PUBLIC HEARINGS**

- a. **Third Reading of Ordinance Z-483-05 (Formerly D-1776-05)**; An Ordinance of the Common Council of the City of Carmel, Indiana, Repealing and Removing Chapter 7 (“ROSO III”) from the Carmel Subdivision Control Ordinance; Sponsor: Councilor Sharp.
- b. **Resolution CC-01-09-06-01**; A confirmatory Resolution of the Common Council of the City of Carmel, Indiana for Designation of the Attached Property As An Economic Revitalization Area and Approval of a Two (2) Year Real Property Tax Abatement for MCP Partners Two, LLC (Walker Information, Inc./Lauth Property Group, Inc.); Sponsor: Councilor Rattermann.

12. **NEW BUSINESS**

- a. **First Reading of Ordinance D-1790-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Carter.
- b. **First Reading of Ordinance D-1791-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-54 of the Carmel City Code (Posting and Placement of Signs in Public Right-Of-Way Prohibited); Sponsor(s): Councilor(s) Carter and Mayo.
- c. **First Reading of Ordinance D-1792-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the City to Issue Its Taxable Economic Development Revenue Bonds, Series 2006 (Parkwood West Project), and Approving Other Actions in Respect Thereto (\$6,000,000); Sponsor(s): Councilor(s) Sharp and Carter.
- d. **Resolution CC-01-09-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving An Amendment to the Carmel Clay Comprehensive Plan Regarding Civic Design Policies; Sponsor: Councilor Rattermann.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05
- b. **First Reading of Ordinance D-1789-05**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-56 of the Carmel City Code (City Employee Deferred Compensation Match); Sponsor: Councilor Glaser. SENT TO FINANCE

- c. **First Reading of Ordinance Z-485-05**; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann. SENT TO LUAC

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

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3 COMMON COUNCIL MEETING  
4 MINUTES

5 MONDAY, DECEMBER 19, 2005 – 6:00 P.M.  
6 COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE  
7  
8

9 **MEMBERS PRESENT:**

10  
11 Council President Kevin Kirby, Council Members Rick Sharp, Brian Mayo, Joe Griffiths, Fred Glaser,  
12 Ron Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.  
13

14 Mayor Brainard was absent.  
15

16 **INVOCATION:**

17  
18 Councilor Brian Mayo, pronounced the Invocation.  
19

20 **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

21  
22 There were none.  
23

24 **APPROVAL OF MINUTES:**

25  
26 Councilor Mayo made a motion to approve the Minutes of the December 5, 2005 Regular Meeting.  
27 Councilor Sharp seconded. Council President Kirby called for the question. The Minutes were approved  
28 7-0.  
29

30 **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

31  
32 There were none.  
33

34 **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

35  
36 There were none.  
37

38 **ACTION ON MAYORAL VETOES:**

39  
40 There were none.  
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3 **CLAIMS:**  
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5 Councilor Mayo made a motion to approve the claims in the amount of \$2,202,388.59. Councilor Sharp  
6 seconded. Council President Kirby called for the question. Councilor Glaser wanted clarification on five  
7 claims that were submitted by the Parks Department to have the Estridge House re-roofed. Council  
8 requested that Mark Westermeier, Director, Parks Department either attend the next Finance Committee  
9 meeting or the Parks, Recreation and Arts Committee meeting and provide an explanation of the total  
10 charges. Council President Kirby called for the question. Claims were approved 7-0.  
11

12 **COMMITTEE REPORTS:**  
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14 Councilor Glaser reported that the Finance, Administration and Rules Committee had not met.  
15

16 Councilor Sharp reported that the Land Use, Annexation and Economic Development Committee had not  
17 met.  
18

19 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. Councilor Carter  
20 recommended that the new committee for 2006 request a report from the Parks Board Encroachment  
21 Committee  
22

23 Councilor Mayo reported that the Utilities, Transportation and Public Safety Committee met on  
24 December 12, 2005 and discussed Ordinance D-1782-05. Councilor Mayo will give his report when  
25 Ordinance D-1782-05 is discussed.  
26

27 **OLD BUSINESS**  
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29 **Second Reading of Ordinance D-1782-05;** An Ordinance of the Common Council of the City of Carmel,  
30 Indiana To Vacate A Segment of Right-Of-Way for River Road. Councilor Mayo reported that Zeff  
31 Weiss and Councilor Glaser attended the meeting. Councilor Mayo referred to Councilor Glaser for a  
32 report. Councilor Glaser informed Council that the Martin Marietta issues had not been resolved and his  
33 recommendation is to table this ordinance until further progress can be made. Councilor Mayo made a  
34 motion to table Ordinance D-1782-05. Councilor Carter seconded.  
35

36 **PUBLIC HEARINGS**  
37

38 Council President Kirby announced **Resolution CC-12-19-05-01;** A Resolution of the Common Council  
39 of the City of Carmel, Indiana, For Designation of the Attached Property As An Economic revitalization  
40 Area (Oak Street Operations, LLC). Councilor Mayo made a motion to introduce this item into business.  
41 Councilor Glaser seconded. Councilor Sharp presented this item to Council. Council President Kirby  
42 opened the Public Hearing at 6:12 p.m. Seeing no one who wished to speak, Council President Kirby  
43 closed the Public Hearing at 6:13 p.m. There was no Council discussion. Council President Kirby called  
44 for the question. **Resolution CC-12-19-05-01** was adopted 7-0.  
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2 **NEW BUSINESS**  
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4 Council President Kirby announced the **First Reading of Ordinance D-1788-05**; An Ordinance of the  
5 Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of  
6 Ordinances of the City of Carmel Indiana (Third Quarter 2005). Councilor Glaser made a motion to  
7 introduce this item into business. Councilor Mayo seconded. Councilor Glaser presented this item to  
8 Council. Councilor Mayo made a motion to suspend the rules and vote on this item this evening.  
9 Councilor Griffiths seconded. Council President Kirby called for the question. The motion was approved  
10 7-0. There was no Council discussion. Council President Kirby called for the question.  
11 **Ordinance D-1788-05** was adopted 7-0.  
12

13 Council President Kirby announced the **First Reading of Ordinance D-1789-05**; An Ordinance of the  
14 Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section  
15 2-56 of the Carmel City Code (City Employee Deferred Compensation Match). Councilor Mayo made a  
16 motion to introduce this item into business. Councilor Griffiths seconded. Councilor Glaser presented  
17 this item to Council. There was no Council discussion. Council President Kirby referred Ordinance  
18 D-1789-05 to the Finance, Administration and Rules Committee for further review and consideration.  
19

20 Council President Kirby announced **Resolution CC-12-19-05-02**; A Resolution of the Common Council  
21 of the City of Carmel, Indiana for Designation of the Attached Property As An Economic Revitalization  
22 Area (MCP Partners, LLC – Walker Information, Inc./Lauth Property Group, Inc.). Councilor  
23 Rattermann made a motion to introduce this item into business. Councilor Griffiths seconded. Councilor  
24 Rattermann referred to Diana Bilger, Ernst & Young LLP, on behalf of MCP Partners Two, for a  
25 presentation to Council. There was brief Council discussion. Council President Kirby called for the  
26 question. **Resolution CC-12-19-05-02** was adopted 7-0.  
27

28 **OTHER BUSINESS**  
29

30 a. Election of 2006 Council President.  
31

32 Council President Kirby opened the floor for nominations for the 2006 Council  
33 President. Councilor Glaser nominated Councilor Rick Sharp for 2006 Council  
34 President. Councilor Griffiths seconded. There were no other nominations. Council  
35 President Kirby called for the question. Councilor Sharp was elected the 2006 Council  
36 President by a vote of 7-0.  
37

38 b. City Council Appointments  
39

40 1. Carmel Redevelopment Commission (One year term, beginning January 1), two  
41 appointments.  
42

43 Council President Kirby opened the floor for nominations to the Carmel  
44 Redevelopment Commission. Councilor Sharp nominated William Hammer. Mr.  
45 Hammer is currently a member of the Carmel Redevelopment Commission.  
46 Councilor Mayo seconded. Council President Kirby called for the question. Mr.  
47 Hammer was elected to the Carmel Redevelopment Commission by a vote of 7-0.  
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Councilor Glaser nominated Councilor Mark Rattermann. Councilor Rattermann declined. He is on the Plan Commission that meets at the same time as the Carmel Redevelopment Commission. Councilor Mayo nominated Councilor Rick Sharp. Councilor Carter seconded. Council President Kirby called for the question. Councilor Rick Sharp was elected to the Carmel Redevelopment Commission by a vote of 7-0.

- c. **First Reading of Ordinance No. C-262, As Amended;** An Ordinance of the Common Council of the City of Carmel, Indiana, Annexing Certain Territory to the City of Carmel, Indiana, Placing the same within the Corporate Boundaries thereof and making the same a part of the City of Carmel (Annexation of Washington Township); Sponsor: Councilor Rattermann. INTRODUCED 6/21/04. TABLED 8/1/05. Councilor Rattermann made a motion to remove Ordinance No. C-262, As Amended from the table. Councilor Sharp seconded. Council President Kirby called for the question. The motion was approved 6-1 (Councilor Carter opposed). Councilor Rattermann moved to Withdraw Ordinance No. C-262, As Amended. Councilor Carter objected to withdrawing this ordinance. There was brief Council discussion. Councilor Glaser referred to Doug Haney, City Attorney, for clarification regarding annexations and litigation involving the City of Carmel. Council President Kirby called for the question. The motion to Withdraw Ordinance No. C-262, As Amended was approved 7-0.
- d. **Second Reading of Ordinance Z-483-05 (FORMERLY D-1776-05);** An Ordinance of the Common Council of the City of Carmel, Indiana, Repealing and Removing Chapter 7 ("ROSO III") From The Carmel Subdivision Control Ordinance; Sponsor: Councilor Sharp. SENT TO PLAN COMMISSION. No discussion.
- e. **First Reading of Ordinance Z-485-05;** An Ordinance of the Common council of the City of Carmel, Indiana, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27); Sponsor: Councilor Rattermann. SENT TO 2006 LAND USE. No discussion.

## ANNOUNCEMENTS

Clerk-Treasurer, Diana L. Cordray, asked the Council to commit to a Special Meeting to approve the claims. The meeting will be Wednesday, December 28, 2005 at 8:00 a.m.

Councilor Sharp reported that Kincaid's Restaurant is a smoke free dining environment of their own choosing.

Councilor Griffiths wanted to thank Council President Kirby for his outstanding job for the past year.



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3 **EXECUTION OF DOCUMENTS**  
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5 Acting Mayor, Kevin Kirby, adjourned the meeting following execution of documents at 6:27 p.m.  
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7 **ADJOURNMENT**  
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9 Respectfully submitted,  
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13 \_\_\_\_\_  
14 Clerk-Treasurer Diana L. Cordray, IAMC

15 Approved,  
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19 \_\_\_\_\_  
20 Mayor James Brainard

21 ATTEST:  
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26 Clerk-Treasurer Diana L. Cordray, IAMC  
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# COMMON COUNCIL SPECIAL MEETING MINUTES

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WEDNESDAY, DECEMBER 28, 2005 – 8:00 A.M.  
COUNCIL CHAMBERS / CITY HALL / ONE CIVIC SQUARE

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**MEMBERS PRESENT:**

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Council President Kevin Kirby, Council Members, Rick Sharp, Brian Mayo, Joe Griffiths, Fred Glaser, Ron Carter, Mark Rattermann, and Deputy Clerk-Treasurer Cindy Sheeks.

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Mayor James Brainard and Clerk-Treasurer Diana L. Cordray were absent.

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**CLAIMS**

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Councilor Mayo made a motion to approve the claims in the amount of \$1,198,751.51. Councilor Griffiths seconded. Council President Kirby called for the question. Claims were approved 7-0.

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**EXECUTION OF DOCUMENTS**

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Council President Kirby adjourned the meeting following execution of the document at 8:04 a.m.

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**ADJOURNMENT**

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Respectfully submitted,

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

\_\_\_\_\_  
Mayor James Brainard

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

12/28/05 CC Special Meeting Minutes

**ORDINANCE Z-483-05**

**AS AMENDED**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
~~REPEALING AND REMOVING~~AMENDING CHAPTER 7 ("ROSO III") ~~FROM OF THE~~  
CARMEL SUBDIVISION CONTROL ORDINANCE**

**WHEREAS**, pursuant to the "Advisory Planning Law" of the State of Indiana (Indiana Code 36-7-4), the City adopted a subdivision control ordinance (Subdivision Control Ordinance) for the geographic area over which it has jurisdiction; and;

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City Ordinance No. D-1600-02, the City's Subdivision Control Ordinance was incorporated by reference into the Carmel City Code; and

**WHEREAS**, Chapter 7 of the Subdivision Control Ordinance pertains to "Open Space Standards For Major Subdivisions" ("ROSO III"); and

**WHEREAS**, pursuant to Indiana Code 36-7-4, the Common Council is authorized to amend the Subdivision Control Ordinance; and

**WHEREAS**, the Common Council now desires and proposes to amend ~~repeal and remove~~ ROSO III ~~from the Subdivision Control Ordinance~~ (the "Proposal"); and

**WHEREAS**, Indiana Code 36-7-4-607 and 36-7-4-701 require the Proposal to be referred to the Carmel Plan Commission for its consideration and recommendation before any final legislative action may be taken thereon.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Upon proper introduction into business, the Proposal shall be forwarded to the Carmel Plan Commission for its consideration and recommendation pursuant to Indiana law.

Section 3. After receipt and consideration of the Carmel Plan Commission's certified recommendation as to the Proposal, the Common Council now determines that it is in the best interests of the public and the Subdivision Control Ordinance to delete Section 7.02: Subdivision – Density Incentive, and to amend Section 7.00.03 to read as follows: ~~the latter by repealing Chapter 7 ("ROSO III") therefrom.~~

"7.00.03 Major subdivisions with a gross density of .85 units per acre or less shall be exempt from the requirements of this Chapter."

Section 4. Chapter 7, "Open Space Standards for Major Subdivisions" ("ROSO III") of the Subdivision Control Ordinance is hereby ~~REPEALED~~ AMENDED in its entirety.

Section 5. The remaining provisions of the Subdivision Control Ordinance are not affected by this Ordinance and remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Mark Rattermann

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Kevin Kirby

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_ M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

1 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_  
2 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

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6 \_\_\_\_\_  
7 James Brainard, Mayor

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9 **ATTEST:**

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12 \_\_\_\_\_  
13 Diana L. Cordray, IAMC, Clerk-Treasurer

**ORDINANCE Z-483-05**  
**AS AMENDED**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,**  
**AMENDING CHAPTER 7 (“ROSO III”) OF THE CARMEL SUBDIVISION CONTROL**  
**ORDINANCE**

**WHEREAS**, pursuant to the “Advisory Planning Law” of the State of Indiana (Indiana Code 36-7-4), the City adopted a subdivision control ordinance (Subdivision Control Ordinance) for the geographic area over which it has jurisdiction; and;

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City Ordinance No. D-1600-02, the City’s Subdivision Control Ordinance was incorporated by reference into the Carmel City Code; and

**WHEREAS**, Chapter 7 of the Subdivision Control Ordinance pertains to “Open Space Standards For Major Subdivisions” (“ROSO III”); and

**WHEREAS**, pursuant to Indiana Code 36-7-4, the Common Council is authorized to amend the Subdivision Control Ordinance; and

**WHEREAS**, the Common Council now desires and proposes to amend ROSO III (the “Proposal”); and

**WHEREAS**, Indiana Code 36-7-4-607 and 36-7-4-701 require the Proposal to be referred to the Carmel Plan Commission for its consideration and recommendation before any final legislative action may be taken thereon.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Upon proper introduction into business, the Proposal shall be forwarded to the Carmel Plan Commission for its consideration and recommendation pursuant to Indiana law.

Section 3. After receipt and consideration of the Carmel Plan Commission’s certified recommendation as to the Proposal, the Common Council now determines that it is in the best interests of the public and the Subdivision Control Ordinance to delete Section 7.02: Subdivision – Density Incentive, and to amend Section 7.00.03 to read as follows:

“7.00.03 Major subdivisions with a gross density of .85 units per acre or less shall be exempt from the requirements of this Chapter.”

Page One of Three Pages

Section 4. Chapter 7, “Open Space Standards for Major Subdivisions” (“ROSO III”) of the Subdivision Control Ordinance is hereby **AMENDED**.

Prepared by Douglas C. Haney, Carmel City Attorney

Section 5. The remaining provisions of the Subdivision Control Ordinance are not affected by this Ordinance and remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

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\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer



**ORDINANCE Z-483-05**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
REPEALING AND REMOVING CHAPTER 7 (“ROSO III”) FROM THE CARMEL  
SUBDIVISION CONTROL ORDINANCE**

**WHEREAS**, pursuant to the “Advisory Planning Law” of the State of Indiana (Indiana Code 36-7-4), the City adopted a subdivision control ordinance (Subdivision Control Ordinance) for the geographic area over which it has jurisdiction; and;

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City Ordinance No. D-1600-02, the City’s Subdivision Control Ordinance was incorporated by reference into the Carmel City Code; and

**WHEREAS**, Chapter 7 of the Subdivision Control Ordinance pertains to “Open Space Standards For Major Subdivisions” (“ROSO III”); and

**WHEREAS**, pursuant to Indiana Code 36-7-4, the Common Council is authorized to amend the Subdivision Control Ordinance; and

**WHEREAS**, the Common Council now desires and proposes to repeal and remove ROSO III from the Subdivision Control Ordinance (the “Proposal”); and

**WHEREAS**, Indiana Code 36-7-4-607 and 36-7-4-701 require the Proposal to be referred to the Carmel Plan Commission for its consideration and recommendation before any final legislative action may be taken thereon.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Upon proper introduction into business, the Proposal shall be forwarded to the Carmel Plan Commission for its consideration and recommendation pursuant to Indiana law.

Section 3. After receipt and consideration of the Carmel Plan Commission’s certified recommendation as to the Proposal, the Common Council now determines that it is in the best interests of the public and the Subdivision Control Ordinance to amend the latter by repealing Chapter 7 (“ROSO III”) therefrom.

Section 4. Chapter 7, “Open Space Standards for Major Subdivisions” (“ROSO III”) of the Subdivision Control Ordinance is hereby **REPEALED** in its entirety.

Section 5. The remaining provisions of the Subdivision Control Ordinance are not affected by this Ordinance and remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

Page One of Two Pages

Prepared by Douglas C. Haney, Carmel City Attorney

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

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Richard L. Sharp, President Pro Tempore

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Kevin Kirby

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Ronald E. Carter

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Brian D. Mayo

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Fredrick J. Glaser

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Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-\_\_\_\_\_

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Page Two of Two Pages

**RESOLUTION CC-01-09-06-01**

**CONFIRMATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA FOR DESIGNATION OF THE ATTACHED PROPERTY AS AN ECONOMIC REVITALIZATION AREA AND APPROVAL OF A TWO (2) YEAR REAL PROPERTY TAX ABATEMENT FOR MCP PARTNERS TWO, LLC**

**WHEREAS**, under I.C. 6-1.1-12.1-2.5 the Common Council of the City of Carmel, Indiana (the "Council") may designate an area as an Economic Revitalization Area ("ERA") and determine the duration of the abatement period(s) for such property; and

**WHEREAS**, I.C. 6-1.1-12.1-4 provides for the partial abatement of real property taxes; and

**WHEREAS**, an SB-1 has been filed which describes the amount of capital investment and job impact of the construction of a new office building for Walker Information, Inc.'s international headquarters and Lauth Property Group, Inc.'s expansion ("the project"); and

**WHEREAS**, Resolution No. CC-12-19-05-02 was approved by the Council which designated the site located at the area described in Exhibit A as an ERA for purposes of providing real property tax abatement to MCP Partners Two, LLC; and

**WHEREAS**, a new building will be built on the ERA and it will serve as a headquarters for Walker Information, Inc., office space for Lauth Property Group, Inc.'s expansion, and office space for other tenants; and

**WHEREAS**, MCP Partners Two, LLC seeks to have the Council authorize real property tax deductions in connection with the construction of the new building; and

**WHEREAS**, the Council has reviewed such information together with MCP Partners Two, LLC's Statement of Benefits (Form SB-1) and now desires to take actions hereinafter set forth.

**NOW, THEREFORE**, based upon a review of the information provided and Form SB-1 filed by MCP Partners Two, LLC, the Council hereby makes the following findings:

**FINDING 1.** The site is suitable for designation as an ERA due to the following economic conditions:

- (a) Constructing a new office building, the relocating of Walker Information, Inc.'s international headquarters, the expanding of Lauth Property Group, Inc. into the building, and the locating of other tenants in the new building will result in an addition to the area's overall assessed value within an accelerated time period inasmuch as there is no development on this site at the present time.

(b) The project represents a superior use for the site.

(c) The project is consistent with similar land uses on adjacent properties.

FINDING 2. The estimate of the cost and assessed value of the proposed project is reasonable for projects of a similar nature.

FINDING 3. The estimate of the number of individuals who will initially be employed can be reasonably expected to result from the project.

FINDING 4. The estimate of the annual salaries (i.e., average of approximately \$66,000 per annum) of those individuals who will initially be employed can be reasonably expected to result from the project.

FINDING 5. The estimate of the cost and assessed value of the project is reasonable for a project of this type.

FINDING 6. The projected creation of approximately 69 FTEs over the next year can be reasonably expected.

FINDING 7. The estimate of the annual salaries of approximately \$72,000 per annum of those individuals who will be employed can be reasonably expected.

FINDING 8. Other benefits can be reasonably expected to result from the project.

FINDING 9. The totality of benefits is sufficient to justify real property tax deductions herein described.

FINDING 10. The proposed redevelopment of the Site by MCP Partners Two, LLC meets the parameters set forth in Council Resolution No. CC-12-19-05-02.

**NOW, THEREFORE, BE IT RESOLVED THAT,** a legal description of the site has been attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED THAT,** the Site was preliminarily designated as an ERA for purposes of granting real property tax abatement to MCP Partners Two, LLC.

**BE IT FURTHER RESOLVED THAT,** the Site is hereby declared an ERA for purposes of granting real property tax abatement.

**BE IT FURTHER RESOLVED THAT,** the number of years for which MCP Partners Two, LLC is entitled to a deduction for real property taxes shall be two (2).

1  
2  
3       **BE IT FURTHER RESOLVED THAT**, the Council shall have the right to reduce the  
4 length of and/or end the real property tax abatement granted for the site should Walker  
5 Information, Inc., Lauth Property Group, Inc., their related entities, or a subsequent owner of the  
6 building not fulfill commitments made regarding the amount of capital investment, job  
7 creation/retention and salary levels.  
8

9       **BE IT FURTHER RESOLVED THAT**, in the event that MCP Partners Two, LLC,  
10 Walker Information, Inc., or Lauth Property Group, Inc. are sold to new owners, the new owner(s)  
11 shall appear before the Carmel City Council within 90 days of closing on the purchase of the  
12 Companies to present information regarding the plans for the Company's operations in the City of  
13 Carmel.  
14

15       **BE IT FURTHER RESOLVED THAT**, this Resolution shall be filed with the Hamilton  
16 County Assessor as required by I.C. 6-1.1-12.1-4.  
17

18       **BE IT FINALLY RESOLVED THAT** notice of the adoption of and the substance of  
19 Resolution No. CC-12-19-05-02 was published in accordance with I.C. 5-3-1.  
20  
21  
22

23       **PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of  
24 \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
\_\_\_\_\_ 2006, at \_\_\_\_\_.M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
\_\_\_\_\_ 2006, at \_\_\_\_\_.M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Contact Information  
Diana Bilger on behalf of MCP Partners Two, LLC 317-681-7174

Land Description: TRACT 2

EXHIBIT A

A part of that tract of land which was previously platted as part of "College Park," the plat of which was recorded April 1, 1920 in DEED RECORD 113, pages 2 and 3 in the Office of the Recorder of Hamilton County, Indiana, (part of said plat has been vacated by the Carmel Plan Commission per Docket No. 43-87-PV recorded September 22, 1987 as instrument #8743000 in said Recorder's Office) located in part of the Southeast Quarter of Section 11, Township 17 North, Range 3 East in Clay Township, Hamilton County, Indiana being bounded as follows:

Commencing at the Northeast Corner of the Southeast Quarter of Section 11, Township 17 North, Range 3 East; THENCE South 00 degrees 12 minutes 36 seconds East (assumed bearing) 783.52 feet along the East Line of said Southeast Quarter; THENCE South 89 degrees 47 minutes 24 seconds West 43.00 feet to the western right-of-way line of College Avenue; THENCE South 00 degrees 12 minutes 36 seconds East 441.04 feet along the western right-of-way line of College Avenue to the northern right-of-way line of I-465, the following two (2) courses are along the northern right-of-way line of I-465 as per Project No. I-465-4-(94)-130; 1) THENCE South 89 degrees 06 minutes 19 seconds West 139.50 feet; 2) THENCE North 86 degrees 32 minutes 18 seconds West 178.53 feet, the following five (5) courses are along the northern right-of-way line of I-465 as per Project No. STI-465-4(BB); 1) THENCE North 86 degrees 01 minutes 33 seconds West 184.01 feet; 2) THENCE South 89 degrees 17 minutes 54 seconds West 200.00 feet; 3) THENCE South 85 degrees 17 minutes 39 seconds West 253.06 feet to the POINT OF BEGINNING; 4) THENCE South 85 degrees 17 minutes 39 seconds West 248.15 feet; 5) THENCE South 89 degrees 17 minutes 53 seconds West 359.08 feet; THENCE North 00 degrees 12 minutes 37 seconds West 26.98 feet; THENCE North 89 degrees 47 minutes 24 seconds East 230.00 feet; THENCE North 00 degrees 12 minutes 36 seconds West 62.00 feet; THENCE South 89 degrees 47 minutes 24 seconds West 9.00 feet; THENCE North 00 degrees 12 minutes 36 seconds West 62.00 feet; THENCE South 89 degrees 47 minutes 24 seconds West 54.00 feet; THENCE North 00 degrees 12 minutes 36 seconds West 67.00 feet; THENCE South 89 degrees 47 minutes 24 seconds West 167.00 feet; THENCE North 00 degrees 12 minutes 36 seconds West 126.72 feet to the point of curvature of a curve to the left having a radius of 74.00 feet, the radius point of which bears North 20 degrees 46 minutes 48 seconds West; THENCE Northeasterly, Northerly, and Northwesterly along said curve and arc length of 205.91 feet to a point which bears North 00 degrees 12 minutes 36 seconds West from said radius point; THENCE South 89 degrees 47 minutes 24 seconds West 131.33 feet; THENCE North 00 degrees 12 minutes 36 seconds West 142.71 feet to the point of curvature of a curve to the right having a radius of 121.00 feet, the radius point of which bears North 89 degrees 47 minutes 24 seconds East; THENCE Northeasterly along said curve an arc length of 66.62 feet to a point which bears North 58 degrees 39 minutes 55 seconds West from said radius point; THENCE North 31 degrees 20 minutes 05 seconds East 88.74 feet to a point on the southerly Right-of-Way line of Pennsylvania Parkway, the following three (3) courses being along said Southerly Right-of-Way line; 1) THENCE South 58 degrees 39 minutes 55 seconds East 105.04 feet to the point of curvature of a curve to the left having a radius of 322.50 feet, the radius point of which bears North 31 degrees 20 minutes 05 seconds East; 2) THENCE Southeasterly along said curve an arc length of 177.56 feet to a point which bears South 00 degrees 12 minutes 36 seconds East; 3) THENCE North 89 degrees 47 minutes 24 seconds East 328.02 feet; THENCE South 00 degrees 12 minutes 36 seconds East 84.11 feet; THENCE South 45 degrees 12 minutes 36 seconds East 55.00 feet; THENCE North 89 degrees 47 minutes 24 seconds East 74.34 feet; THENCE South 00 degrees 12 minutes 36 seconds East 521.48 feet to the POINT OF BEGINNING, Containing 8.82 acres, more or less.



# CITY OF CARMEL

JAMES BRAINARD, MAYOR

December 5, 2005

Mr. Taggart Birge  
Lauth Property Group  
401 Pennsylvania Parkway  
Indianapolis, Indiana 46280

Mr. Mark Winzenread  
Walker Information  
3939 Priority Way South Drive  
Indianapolis, Indiana 46240

Dear Tag and Mark:

The City of Carmel is excited about the proposed expansions that Lauth and Walker are considering. The City wants to thank both Companies for their interest in creating and maintaining jobs and expanding in Carmel.

Based on the information that was provided by Lauth and Walker, in our meeting on November 18, 2005, regarding jobs and capital investments, the City of Carmel will do the following, subject to City Council and other required approvals:

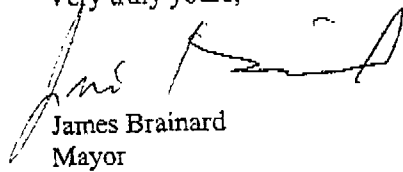
1. Support a two-year real property tax abatement on the proposed real property at 301 Pennsylvania Parkway; and
2. Support a two-year personal property tax abatement on the qualifying personal property expenditures for Lauth and Walker that are placed in the new building; and
3. Support the following infrastructure improvements:
  - Improve Pennsylvania Parkway from 103rd to 106th by changing it from a two-lane to a three-lane section with a center turning lane, curbs, and storm sewer;
  - Install intersection improvements at 103rd St. and Pennsylvania Parkway and possibly at 106th and Pennsylvania Parkway; and
  - Add sidewalks/paths along the South side of Pennsylvania Parkway.

The estimate for the infrastructure improvements listed above is \$1.5 - \$2.0 million. During our meeting we discussed possibly using certain allocation areas (TIF districts) as potential funding for the infrastructure projects. We will need to discuss just how we should move forward and what the various options are for using TIF for the infrastructure improvements discussed above.



The City of Carmel looks forward to many years with Lauth Property Group and Walker Information as contributors in our community.

Very truly yours,



James Brainard  
Mayor

Cc:  
Carmel City Council  
Jeff Burt

**ORDINANCE D-1790-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
ESTABLISHING SPEED LIMITS AND STOP INTERSECTIONS, AND DESIGNATING  
THROUGH HIGHWAYS, RELATIVE TO THE MONON GREENWAY**

**WHEREAS**, the City of Carmel, Indiana (“City”), pursuant to Indiana Code 36-10, has established a linear park within its jurisdiction commonly known as the Monon Greenway (“Monon Greenway”); and

**WHEREAS**, the Carmel-Clay Parks and Recreation Board, as established and as governed by Indiana Code 36-10-3 (“Park Board”), operates and maintains the Monon Greenway pursuant to that certain Management Agreement originally entered into by and between the City and the Parks Board on July 16, 2003, as subsequently amended; and

**WHEREAS**, the Monon Greenway runs along a former rail corridor extending from 96<sup>th</sup> Street to 146<sup>th</sup> Street in Hamilton County, Indiana; and

**WHEREAS**, the Monon Greenway constitutes a “highway” and a “street” as those terms are defined in Indiana Code 9-13-2-73; and

**WHEREAS**, the Monon Greenway is utilized by bicycles and other non-motorized “vehicles,” as that term is defined in Indiana Code 9-13-2-196, by certain authorized “motor vehicles,” as that term is defined in Indiana Code 9-13-2-105, and by pedestrians; and

**WHEREAS**, the Monon Greenway crosses several highways and streets on its route, each such intersection creating a heightened risk of danger to persons traveling on the Monon Greenway and those persons traveling on intersecting thoroughfares; and

**WHEREAS**, it is in the best interests of public safety and welfare to regulate traffic at Monon Greenway intersections by establishing stop intersections on the Monon Greenway at these intersections, pursuant to Indiana Code 9-21-1-3 and City Code Section 8-30; and

**WHEREAS**, pursuant to Indiana Code 9-21-1-3, the City may regulate the speed of vehicles upon its highways and streets, as well as require all vehicles to stop before entering or crossing designated “through highways” located within its jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 9-21-5-6(e), the City, upon the request of the Park Board, may establish the speed limit on the Monon Greenway as fifteen (15) miles per hour; and

Page One of Four Pages

**WHEREAS**, the Park Board has requested that the City establish the speed limit for all vehicles traveling on the Monon Greenway at fifteen (15) miles per hour; and

**WHEREAS**, pursuant to Indiana Code 9-21-11-11 and 9-21-17-13, all persons using the Monon Greenway must obey the traffic control devices located thereon; and

**WHEREAS**, it is in the best interest of public safety and welfare to now declare the highways which cross the Monon Greenway as “through highways” and to require all vehicles and pedestrians on the Monon Greenway to stop before entering or crossing such “through highways,” and to establish a fifteen (15) miles per hour speed limit for all vehicles traveling on the Monon Greenway.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein and made a part hereof.

Section 2. The following thoroughfares located within the City’s jurisdiction are designated “through highways,” for purposes of Indiana Code 9-21-1-3, at and about their intersection with the Monon Greenway:

- |   |                                  |
|---|----------------------------------|
| a. West Smokey Row Road (West 136 <sup>th</sup> Street) | g. West Carmel Drive             |
| b. West Main Street (131 <sup>st</sup> Street)          | h. East 116 <sup>th</sup> Street |
| c. 1 <sup>st</sup> Street NW                            | i. Central Park Drive            |
| d. 1 <sup>st</sup> Street SW                            | j. East 111 <sup>th</sup> Street |
| e. 2 <sup>nd</sup> Street SW                            | k. East 96 <sup>th</sup> Street  |
| f. Gradle Drive   |                                  |

Section 3. Chapter 8, Article 9, Section 8-120 of the Carmel City Code, should be and is hereby amended to include the following locations:

<u>“Street Name</u>	<u>Direction of Traffic</u>	<u>Sign</u>	<u>Intersecting Street</u>
Monon Greenway	Northbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Southbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Northbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Southbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Northbound	Stop	2 <sup>nd</sup> Street SW
Monon Greenway	Southbound	Stop	2 <sup>nd</sup> Street SW

90	Monon Greenway	Northbound	Stop	East 116 <sup>th</sup> Street
91	Monon Greenway	Southbound	Stop	East 116 <sup>th</sup> Street
92	Monon Greenway	Northbound	Stop	Central Park Drive
93	Monon Greenway	Southbound	Stop	Central Park Drive
94	Monon Greenway	Northbound	Stop	East 111 <sup>th</sup> Street
95	Monon Greenway	Southbound	Stop	East 111 <sup>th</sup> Street
96	Monon Greenway	Northbound	Stop	Gradle Drive
97	Monon Greenway	Southbound	Stop	Gradle Drive
98	Monon Greenway	Northbound	Stop	West Carmel Drive
99	Monon Greenway	Southbound	Stop	West Carmel Drive
100	Monon Greenway	Northbound	Stop	East 96 <sup>th</sup> Street
101	Monon Greenway	Southbound	Stop	East 96 <sup>th</sup> Street"

102  
103        Section 4. Chapter 8, Article 3, Section 8-28 of the Carmel City Code should be and the same  
104 is hereby added to the Carmel City Code and shall read as follows:

105  
106        "Section 8-28. Fifteen Mile Per Hour Speed Limit Designations.

- 107  
108            a.        No person may operate any "vehicle," as that term is defined in Indiana Code 9-13-2-196, as  
109                        amended, in excess of fifteen miles per hour (15 mph) on the following streets:

110  
111                        (1) The Monon Greenway from its intersection with 96<sup>th</sup> Street to its intersection with  
112                        146<sup>th</sup> Street.

113  
114                        (2) {Reserved}

- 115  
116            b.        Any person who operates a vehicle in violation of this Section shall, upon conviction thereof, be  
117                        fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
118                        (\$500.00) for each such violation."  
119

120        Section 5. The Carmel Street Department, in cooperation with the Carmel/Clay Parks  
121 Department, is directed to promptly prepare and post appropriate signage and/or markings at Monon  
122 Greenway intersections and along the Monon Greenway so as to effectuate this Ordinance.  
123

124        Section 5. All prior City ordinances or parts thereof that are inconsistent with any provision of  
125 this Ordinance are hereby repealed as of the effective date of this Ordinance.  
126

127        Section 6. This Ordinance shall be in full force and effect from and after the date of its passage,  
128 execution by the Mayor, and publication as required by law.  
129

130        **PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of  
131 \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.  
132

133  
134 Ordinance D-1790-06  
135 Page Three of Four Pages  
136

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer	Joseph C. Griffiths
Kevin Kirby	Brian D. Mayo
Ronald E. Carter	Mark Rattermann
Fredrick J. Glaser	Richard L. Sharp

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1790-06  
Page Four of Four Pages

**ORDINANCE D-1791-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 6, ARTICLE 4, SECTION 6-54 OF THE CARMEL CITY CODE**

**WHEREAS**, the City of Carmel, Indiana, by and through its City Code Section 6-54, prohibits the posting and placement of signs within public rights-of-way; and

**WHEREAS**, the City has, over the past year, experienced several “mass postings” of signs in its rights-of-way by persons who use third parties so as to make it difficult for the City to locate and prosecute known individuals for such unlawful conduct; and

**WHEREAS**, the unlawful posting or placement of signs in public rights-of-way creates hazards to the motoring public and to those who must remove them from the rights-of-way, degrades the City’s aesthetics, and adversely affects public safety and welfare; and

**WHEREAS**, City Code Section 6-54 should be clarified to clearly put on notice all persons who post or place signs in the City’s right-of-way, either by themselves or through third parties, that such conduct is prohibited and will subject them to fines or other appropriate action by the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 6, Article 4, Section 6-54, of the Carmel City Code should be and the same is hereby amended to read as follows:

**“Sec. 6-54. Posting And Placement Of Signs In Public Right-Of-Way Prohibited**

(a) No person shall at any time within the City’s corporate boundaries attach, post or place, or cause to be attached, posted or placed, any sign, advertisement or notice in, on or upon any public property, place or right-of-way, nor in, on or upon any tree, pole, shrub, or other object or structure located therein.

(b) Any person who violates this Section shall be subject to a fine of Ten Dollars (\$10.00) for each offense, each offending sign, advertisement and notice constituting a separate offense.

(c) This Section shall not apply to properly authorized official traffic signs and devices.”

Section 3. This Ordinance compliments, and does not supercede nor replace, such other remedies and relief as may be available to the City under applicable law regarding the subject matter hereof.

Section 4. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 5. This Ordinance shall be in full force and effect upon approval of the Common Council, execution by the Mayor and such publication as is required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer	Joseph C. Griffiths
Richard L. Sharp, President Pro Tempore	Kevin Kirby
Ronald E. Carter	Brian D. Mayo
Fredrick J. Glaser	Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_ M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

1 **SPONSOR(S): Councilor(S) Sharp and Carter**

2  
3  
4  
5 **ORDINANCE D-1792-06**

6  
7 **AN ORDINANCE OF THE COMMON COUNCIL**  
8 **OF THE CITY OF CARMEL, INDIANA,**  
9 **AUTHORIZING THE CITY TO ISSUE ITS**  
10 **TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS,**  
11 **SERIES 2006 (PARKWOOD WEST PROJECT),**  
12 **AND APPROVING OTHER ACTIONS IN RESPECT THERETO**  
13

14  
15 WHEREAS, the Carmel Economic Development Commission (the "EDC") heretofore  
16 conducted a public hearing in accordance with Indiana Code 36-7-12-24(a) regarding the  
17 financing the costs of the acquisition, construction and installation of certain road and utility  
18 infrastructure improvements (the "Project") for economic development facilities of Duke Realty  
19 Limited Partnership (the "Borrower"), notice of which was published in accordance with Indiana  
20 Code 5-3-1, at which time the public was informed of an opportunity to express their views for  
21 or against the Project and the issuance of bonds therefor; and

22 WHEREAS, following such public hearing, the EDC (i) considered whether the Project  
23 will have an adverse competitive effect on similar facilities already constructed or operating in  
24 the City of Carmel, Indiana (the "City") and rendered an evaluative report (the "Report"),  
25 together with related findings of fact (the "Findings"), regarding the Project and (ii) adopted an  
26 authorizing resolution, which resolution has been transmitted hereto, finding, among other things,  
27 that (a) the proposed financing will be of benefit to the health, prosperity, economic stability and  
28 general welfare of the City and its citizens, (b) the proposed financing complies with the  
29 provisions of Indiana Code 36-7-11.9 and -12, as amended (collectively, the "Act") and (c)  
30 further approving the form and terms of the Trust Indenture (including the form of the Bonds



1 contained therein) and the Loan Agreement (including the form of the Notes as an exhibit thereto)  
2 (as such capitalized terms are hereinafter defined) and recommending this form of Ordinance  
3 (the "Bond Ordinance") for approval by the Common Council of the City (the "Council"); and

4 WHEREAS, in compliance with Indiana Code 36-7-12-23(b), the EDC submitted the  
5 Report and the Findings to the President of the Carmel Plan Commission and the Superintendent  
6 of Carmel Clay Schools for their review, and the EDC has not received any written comments  
7 from such officials concerning the Report and the Findings within five (5) days from their  
8 respective receipt thereof; and

9 WHEREAS, pursuant to a Trust Indenture (the "Trust Indenture"), between the City and  
10 a financial institution in its capacity as a corporate trustee (the "Trustee"), the City proposes to  
11 issue its economic development revenue bonds to provide funds for the Project and lending such  
12 funds to the Borrower, pursuant to a Loan Agreement (the "Loan Agreement"), between the  
13 Issuer and the Borrower, which prescribes the terms and conditions under which the Borrower  
14 shall repay such loan and pursuant to which the Borrower will execute and deliver to the Issuer a  
15 promissory note evidencing the Borrower's repayment obligation (the "Notes") in the principal  
16 amount equal to the aggregate principal amount of the Bonds; and

17 WHEREAS, based upon the Report, the Findings and the resolution adopted by the EDC  
18 pertaining to the Project, the City hereby finds and determines that the financing approved by the  
19 EDC for the Project will be of benefit to the health and general welfare of the City and its  
20 citizens, complies with the provisions of the Act and the amount necessary to finance the costs of  
21 the Project, will require the issuance, sale and delivery of one or more series of economic  
22 development revenue bonds in an aggregate principal amount not to exceed \$6,000,000;

1           NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
2 CITY OF CARMEL, INDIANA THAT:

3           SECTION 1.       It is hereby found that the financing of the Project for the economic  
4 development facilities referred to in the Loan Agreement approved by the EDC and presented to  
5 this Council, the issuance and sale of revenue bonds in one or more series and designated as the  
6 "City of Carmel, Indiana, Taxable Economic Development Revenue Bonds, Series 2006  
7 (Parkwood West Project)" (the "Bonds"), the loan of the proceeds of the Bonds to the Borrower  
8 for the financing of a portion of the costs of the Project, the payment of the Bonds from TIF  
9 Revenues (as defined in the Trust Indenture) and note payments of the Borrower under the Loan  
10 Agreement and the Note, and the securing of said Bonds under the Trust Indenture complies with  
11 the purposes and provisions of the Act and will be of benefit to the health, prosperity, economic  
12 stability and general welfare of the City and its citizens.

13          SECTION 2.       The proceeds of the Bonds will be used for financing the costs of the  
14 Project for the economic development facilities of the Borrower to be located within the  
15 Parkwood Economic Development Area in the area bounded on the west by Spring Mill Road,  
16 on the north by I-465, on the east by Meridian Street and on the south by 96th Street.

17          SECTION 3.       At the public hearing held before the EDC, the EDC considered  
18 whether the Project would have an adverse competitive effect on any similar facilities already  
19 constructed or operating within the City, and subsequently found, based on the Findings  
20 approved in connection with the Report, that the Project would not have an adverse competitive  
21 effect. This Council hereby confirms the findings set forth in the EDC's resolution and  
22 concludes that the Project will not have an adverse competitive effect on any other similar

1 facilities already constructed or operating within the City, and the facilities will be of benefit to  
2 the health, prosperity, economic stability and general welfare of the City and its citizens.

3       SECTION 4.       The City shall issue its Bonds in a total maximum principal amount  
4 not to exceed Six Million Dollars (\$6,000,000). The Bonds shall mature no later than twenty (20)  
5 years from the date of the first interest payment thereon. The Bonds shall bear interest at a rate  
6 or rates not exceeding eight and one-half percent (8.5%) per annum. The Bonds are to be issued  
7 for the purpose of procuring funds to pay the costs of the Project, capitalized interest and costs of  
8 issuance of the Bonds, as more particularly set forth in the Trust Indenture and the Loan  
9 Agreement, incorporated herein by reference. The Bonds will be payable as to principal,  
10 premium, if any, and interest from TIF Revenues and the note payments made by the Borrower  
11 under the Loan Agreement and the Note or as otherwise provided in the above-described Trust  
12 Indenture. The Bonds shall be issued in fully registered form in denominations of One Hundred  
13 Thousand Dollars (\$100,000) and integral multiples of Five Thousand Dollars (\$5,000) in excess  
14 thereof or as otherwise provided in the Trust Indenture, and shall be redeemable as provided in  
15 the Trust Indenture. Payments of principal and interest are payable in lawful money of the  
16 United States of America by check mailed or delivered to the registered owners thereof as  
17 provided in the Trust Indenture. Pursuant to Indiana Code 36-7-12-25(b), the Bonds shall never  
18 constitute a general obligation of, an indebtedness of, or a charge against the general credit of the  
19 City nor are the Bonds payable in any manner from revenues raised by taxation except for the  
20 pledged TIF Revenues.

21       SECTION 5.       The Mayor of the City (the "Mayor") and the Clerk-Treasurer of the  
22 City (the "Clerk-Treasurer") are authorized and directed to sell the Bonds to the original  
23 purchasers thereof pursuant to a purchase or placement agreement (the "Sale Agreement"),

1 among the City, the Borrower and City Securities Corporation, and/or any other designated  
2 purchaser, underwriter or placement agent (the "Sale Agent"), at the purchase prices set forth  
3 therein, and on the terms and conditions described therein. The Bonds may be offered and sold  
4 pursuant to an offering document (the "Offering Document") in form and substance satisfactory  
5 to the Mayor or the Clerk-Treasurer and consistent with the parameters of this Ordinance and  
6 such Offering Document may be made available and distributed in such manner, at such times,  
7 for such periods and in such number of copies as such officers may determine in consultation  
8 with the City's financial advisor. The Mayor or the Clerk-Treasurer is authorized to (i) deem a  
9 preliminary Offering Document as "nearly final" if required under Rule 15c2-12 under the  
10 Securities Exchange Act of 1934; (ii) provide the Offering Document to the Sale Agent, prior to  
11 the time the Sale Agent purchases, offers or places the Bonds, for purposes of marketing such  
12 Bonds; and (iii) finalize the Offering Document with such changes in form or substance as are  
13 necessary and appropriate.

14       SECTION 6.       The substantially final forms of the Loan Agreement, the Note, the  
15 Trust Indenture and the Bonds approved by the EDC are hereby approved (such documents,  
16 together with the Sale Agreement and the Offering Document are herein collectively referred to  
17 as the "Financing Documents"). The Mayor and the Clerk-Treasurer are, and each of them is,  
18 authorized and directed to execute, attest and affix or imprint by any means the corporate seal of  
19 the City, acknowledge and deliver, in the name and on behalf of the City, the Financing  
20 Documents, and all other material instruments, agreements, closing papers, certificates,  
21 assignments or other documents, to be executed or accepted by it in substantially the forms  
22 submitted to the City or its counsel and not inconsistent with the Financing Documents, with  
23 such changes therein not inconsistent with this Ordinance and not substantially adverse to the

1 City as may be permitted by the Act and approved by the officers executing the same on behalf  
2 of the City without further approval of the Council or of the EDC; provided, however, that no  
3 such modification or addition shall change the maximum principal amount of, interest rate on, or  
4 terms of the Bonds described in Indiana Code 36-7-12-27(a) as set forth in this Ordinance  
5 without further consideration by the Council. The approval of such changes by such officers, to  
6 the extent such are not substantially adverse to the City, shall be conclusively evidenced by the  
7 execution and attestation or acceptance of receipt of any of the foregoing documents by such  
8 officers. The signatures of the Mayor and the Clerk-Treasurer on the Bonds may be either  
9 manual or facsimile signatures. A copy of each of the Financing Documents will be available  
10 from the Clerk-Treasurer upon request. The Clerk-Treasurer is authorized to arrange for delivery  
11 of such Bonds to the Trustee named in the Trust Indenture, and payment for the Bonds will be  
12 made to the Trustee named in the Trust Indenture and after such payment, the Bonds will be  
13 delivered by the Trustee to the purchasers thereof. The Bonds shall be originally dated the date  
14 of issuance and delivery thereof.

15 SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the  
16 Bonds shall constitute a contract binding between the City and the holders of the Bonds, and  
17 after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect  
18 which would adversely affect the rights of such holders so long as said Bonds or the interest  
19 thereon remains unpaid.

20 SECTION 8. This Ordinance shall be effective upon its passage by the Council and  
21 approval by the Mayor of the City, in accordance with Indiana Code 36-4-6 et seq.

22 PASSED AND ADOPTED by the Common Council of the City of Carmel, Indiana this  
23 \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.



**RESOLUTION CC-01-09-06-02**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
CARMEL, INDIANA, APPROVING AN AMENDMENT TO THE CARMEL/CLAY  
COMPREHENSIVE PLAN REGARDING CIVIC DESIGN POLICIES**

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the "Comprehensive Plan") was approved and recommended by the Carmel Clay Plan Commission on August 20, 1996, and duly approved by resolution of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the Carmel Clay Plan Commission has duly approved, and recommended to the Common Council, an amendment to the community's Comprehensive Plan which gives recommendations for Civic Design Policies in Carmel's central core;

WHEREAS, the Carmel Advisory Plan Commission, at its regularly scheduled meeting of Tuesday, December 20, 2005, voted to forward Comprehensive Plan Amendment Docket No. 05100008 CPA to the Common Council with a favorable recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, that:

Section One: The Common Council adopts CIVIC DESIGN, as part of the 2020 Vision Comprehensive Plan with the understanding that the principles, recommendations and maps contained within CIVIC DESIGN serve to formally recognize the purpose and activities of the Carmel Urban Design Initiative. The adoption of CIVIC DESIGN does not bind the Plan Commission or Common Council to take steps toward its full or partial implementation, rather it is proposed to guide conversations and set positive examples of the ways in which Carmel's Central Core could evolve.

Section Two: After its adoption, this Resolution shall be filed in the office of the Clerk-Treasurer of the City of Carmel, who shall also forward one (1) copy of this Resolution to the secretary of the Carmel Advisory Plan Commission and one (1) copy to the office of the Hamilton County Recorder, all in accordance with IC 36-7-4-509 and other applicable laws.

Section Three: This Resolution shall be in full force and effect from the date of passage, and its publication, as provided by law.

1           **Resolution CC-01-09-06-02 PASSED** by the Common Council of the City of Carmel,  
2 Indiana this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_  
3 nays.

4  
5                           **COMMON COUNCIL FOR THE CITY OF CARMEL**

6  
7 \_\_\_\_\_  
8 Presiding Officer

\_\_\_\_\_   
Joseph C. Griffiths

9  
10 \_\_\_\_\_  
11 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_   
Kevin Kirby

12  
13 \_\_\_\_\_  
14 Ronald E. Carter

\_\_\_\_\_   
Brian D. Mayo

15  
16 \_\_\_\_\_  
17 Fredrick J. Glaser

\_\_\_\_\_   
Mark Rattermann

18  
19 ATTEST:

20  
21 \_\_\_\_\_  
22  
23 Diana L. Cordray, IAMC, Clerk-Treasurer

24  
25           **Resolution CC-01-09-06-02** Presented by me to the Mayor of the City of Carmel,  
26 Indiana this \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ .M.

27  
28  
29 \_\_\_\_\_  
30 Diana L. Cordray, IAMC, Clerk-Treasurer

31  
32           **Resolution CC-01-09-06-02** Approved by me, Mayor of the City of Carmel, Indiana, this  
33 \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ .M.

34  
35 \_\_\_\_\_  
36 James Brainard, Mayor

37 ATTEST:

38  
39 \_\_\_\_\_  
40 Diana L. Cordray, IAMC, Clerk-Treasurer

41  
42 Prepared by:     John R. Molitor  
43                   Carmel Plan Commission Attorney  
44                   One Civic Square  
45                   Carmel, IN 46032